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FLOOR DEBATE

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the amount of the value and award made by the court of condemnation or district court to the utility owning the system, notwithstanding an appeal. Then the court...the city has the right and power to take immediate possession of the gas system upon the tender. Well, the higher court overturns it saying that the amount is way too low, but the city has already taken possession. What happens then? Does the city have to go through another process by which a higher amount is determined, then the city must pay that amount over since it has taken possession, or just what happens?

SENATOR QUANDAHL: I guess, if I understand what your scenario is, I do believe that, no, the appeal itself doesn't relate to the right of the city to condemn.

SENATOR CHAMBERS: Right.

SENATOR QUANDAHL: It just relates to the value itself. And so in the situation that you describe I do believe that if a later condemnation court or a later appeals court basically would find a higher value, the city would be compelled to pay the higher value.

SENATOR CHAMBERS: And if the city said we're not going to pay that, the city would then have to give up possession and pay the cost of all proceedings and return the amount of money that had been paid over to the city. Is that correct?

SENATOR QUANDAHL: I believe that is correct, yes.

SENATOR CHAMBERS: This language that we're discussing is already in the existing law about the pendency of an appeal not derailing the right of the city to make a tender and then take immediate possession?

SENATOR QUANDAHL: I believe so, yes.

SENATOR CHAMBERS: Is the 60 percent supermajority for the special election already in the existing...

SENATOR CUDABACK: One minute.